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REVERE

The Boston Globe**MCAD: probable cause for harassment by teacher****By Kathy McCabe, Globe Staff | April 12, 2009**

The Massachusetts Commission Against Discrimination has found probable cause that a Revere schoolteacher sexually harassed a 16-year-old boy when he was a student four years ago at Beachmont School, according to a copy of the decision.

"This is the first step, in a long process, of my client being vindicated," said John Davis, a lawyer who filed the complaint with the state panel on behalf of the boy and his mother.

The complaint alleges Edward A. Winter, a veteran Revere teacher, called the boy numerous homosexual slurs "and other derogatory remarks" when he was the boy's computer teacher at the school in the 2004-2005 school year.

Winter did not return a telephone call seeking comment. He is no longer employed in the Revere public schools.

The complaint also names the city of Revere and the Revere School Committee. Daniel Doherty, the Revere city solicitor who represents the city and school department, did not return a call seeking comment.

The Globe is withholding the name of the boy and his mother, who filed the discrimination complaint, under the newspaper's policy of protecting the names of purported victims of sexual harassment unless given consent.

The complaint was filed in September 2006 with the MCAD, a state panel that investigates allegations against public employees.

An investigator at the MCAD, relying in part on testimony of the boy, issued its finding last month, Davis said.

"It was a pleasant surprise, because so few cases filed with the MCAD end in a probable cause finding," said Davis, who specializes in employment law.

The boy was in the sixth grade when the alleged harassment took place, Davis said. In the complaint, the boy said that because of the teacher's actions, "I felt humiliated in front of my classmates. His conduct affected my confidence, and ultimately, my performance and ability in the classroom."

The decision outlines steps that Revere school officials took to investigate the boy's complaints. It notes that on May 2, 2006, William Carey, who then was principal of Beachmont School, received separate complaints about Winter from two students. Carey started an investigation at the school, the decision states.

On May 9, 2006, Carey sent a memo to the school superintendent, stating that the investigation found "Winter had violated the Revere Public Schools' Anti-Harassment Policy as it related to verbal harassment and verbal sexual harassment," according to the decision.

On June 14, 2006, by agreement of Winter, the Revere public schools, and the Revere Teachers Association, Winter agreed to be placed on administrative leave and submit a letter of resignation with an effective date of Nov. 1, 2006, according to the decision.

The MCAD did not find probable cause on allegations of discrimination based on gender and sexual orientation. The allegations do not fall under the jurisdiction of the commission, according to the decision.

The two sides are scheduled to meet on July 20 for a conciliation meeting. Conciliation is a process similar to mediation, wherein the two parties attempt to find a resolution, including monetary compensation, Davis said.

"There are also nonmonetary compensations," he said. "In this case, I think an apology could also go a long way in terms of helping [the boy] heal."

The boy's mother said she is looking forward to resolution. "It's a huge victory for my son. Our whole point was that he was being sexually harassed."

The MCAD complaint is one of two actions the boy's family has filed against Winter. A lawsuit pending in Suffolk Superior Court also alleges sexual discrimination and seeks \$4.7 million in damages. On Dec. 18, 2008, a Superior Court judge denied a motion filed by the city of Revere to dismiss the case, according to the clerk's office at Suffolk Superior Court.

Bradley A. MacDonald, a Newton lawyer representing Winter in the Superior Court case, said, "Mr. Winter has denied, and will continue to deny, the allegations," MacDonald said he did not represent Winter in the MCAD complaint.

John Laymon, a Boston lawyer representing the boy in Superior Court, believes the MCAD finding could help his case. "It shows there is a valid complaint," Laymon said. "If you believe our allegations, you need to understand that young kids are very sensitive to these kinds of things, more sensitive than adults."

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